

### REMARKS

This communication responds to the final Office Action mailed April 6, 2006 in which claims 1-26 were rejected.

The claim rejections are traversed because claims 1-26 have been cancelled and new claims 27-49 have been added.

As discussed further below, new claims 27-49 are patentable because none of the references, alone or in combination, disclose or suggest that an implant device having the combination of the *structural* aspects recited, which, *inter alia*, include a port body having a plurality of regions, where a first region includes one or more discrete tactile surface structures around the circumference of the port body and where a second region includes a plurality of discrete tactile surface structures around the circumference of the port body.

Reconsideration is requested.

#### Phone Conference Summary

A telephone conversation was conducted between Examiner McCorkle and Bridget Hayden on May 31, 2006. The conversation regarded the claims and possible amendments. The amendments shown above in this paper are not the same as the possible amendments discussed during the interview.

#### Rejection under 35 U.S.C. § 102

Claims 1-3, 6, 7, 17, 18, 19, 20-26 were rejected under 35 U.S.C. § 102(b) as anticipated by US Patent 3,783,868 (Bokros), but have been cancelled to advance the prosecution.

With respect to new claims 27-49, Bokros fails to anticipate new independent claims 27 and 45 for at least the following reasons. Bokros discloses a percutaneous implant device that includes a stem, a stabilizing flange, and a structure associated with the stem for preventing the progressive growth of the epithelium along the stem and anchoring the implant device by epithelium growth therethrough. (Bokros, column 2, lines 4-10.) The stem 12, 102, 188, 202 includes one epithelium stopping means which is placed along the outer circumference of the

stem. Therefore, Bokros does not disclose that an implant device including a port structure having “a substantially uniform outer circumference interrupted by a *plurality* of regions,” as recited by the independent claims.

In addition, the Bokros epithelium stopping means has an outer circumference that is larger than the outer circumference of the stem, *see, e.g.,* the Bokros Figures, and Bokros does not disclose an implant outer wall having “a substantially uniform circumference interrupted by a plurality of regions having areas of a *smaller* outer circumference,” as recited in independent claims 27 and 45.

Further, the independent claims recite that “a second region of the plurality of regions comprises a plurality of discrete tactile surface structures.” The epithelium stopping means 18, 111, 154, 186, 212 of Bokros, *see* Bokros Figs. 1, 3, 4, 5, and 6, respectively, is a single structure on the surface of the stem. Therefore, Bokros fails to disclose a second region as recited in independent claims 27 and 45.

The pyrolytic carbon coating disclosed in Bokros is deposited over the stem, upper flange and subcutaneous stabilizing flange. 12. (Bokros, column 2, line 66 to column 3, line 3.) Even if the pyrolytic carbon coating was considered to be a tactile surface structure, the outer portions of the implant device are fully coated with the pyrolytic carbon coating, and by the nature of coatings, the circumference of the object being coated becomes larger, and therefore the pyrolytic coating does not provide the stem with “a substantially uniform circumference interrupted by a plurality of regions having areas of a *smaller* outer circumference.” Because the pyrolytic carbon coating is deposited over the entire stem, upper flange, and subcutaneous stabilizing flange, it does not provide a plurality of regions having “*discrete* tactile surface structures,” as recited in the independent claims of the present application.

Moreover, the independent claims of the present application recite “a holding structure coupled to a lower region of the port structure, the holding structure comprising an encircling ring protruding from the lower region of the port structure, the encircling ring comprising a plurality of openings spaced around said encircling ring.” Bokros discloses a stabilizing flange 106, 211. (Bokros, Figs. 3 and 6, respectively). However, the disclosed stabilizing flange

includes a plurality of openings. Accordingly, Bokros fails to disclose the holding structure as recited by the independent claims.

New claims 27 and 45 are not anticipated by Bokros, and withdrawal of the 102 rejection is requested.

Rejection under 35 U.S.C. § 103

Claims 4, 5, and 8-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bokros. Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bokros in view of US Patent 6,096,070 (Ragheb). Due to the cancellation of claims 4, 5, 8-16, and 22, the § 103 rejection is obviated.

Regarding the new claims, Ragheb fails to remedy the deficiencies of Bokros. Ragheb discloses a coated implantable medical device having spaces formed by surface processing (such as etching) filled with bioactive material. The device having bioactive material filling the surface processed areas is coated with a porous layer 20. Because the etched portions of the medical device in Ragheb are filled with bioactive material and then coated with a non-porous substance, the medical device has either a uniform diameter or, if areas interrupt the uniform diameter, the areas have a larger diameter. Thus, not only does Ragheb not disclose or suggest a medical device having an outer wall with “a substantially uniform circumference interrupted by a plurality of regions having areas of a *smaller* outer circumference,” it teaches away from such a device.

Reconsideration and withdrawal of the 103 rejection are requested.

Dependent claims

New dependent claims 28-44 and 46-49 are patentable at least for the reasons discussed above in relation to independent claims 27 and 45, and further in view of their additional recitations.

Conclusion

This response is accompanied by a Request for Continued Examination (RCE), along with payment of the necessary fees. The Commissioner is hereby authorized to charge any deficiencies and/or credit any overpayments to Deposit Account No. 04-1420.

The application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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Date: \_\_\_\_\_

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By: \_\_\_\_\_

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